



Michigan Supreme Court

State Court Administrative Office

Trial Court Services Division

Michigan Hall of Justice

P.O. Box 30048

Lansing, Michigan 48909

Phone (517) 373-4835

MEMORANDUM

DATE: January 5, 2006

TO: Circuit, Family Division, and District Court Judges
cc: Court Administrators
Family Division Administrators
County Clerks
Juvenile Registers

FROM: Nial Raaen, Trial Court Services Director

RE: Court Authority to Impose Costs, Fines, and Assessments is Codified in a New Statutory Enactment

MCL 769.1k provides for and clarifies a court's authority to assess and collect fines, costs, and assessments.

Effective January 1, 2006, if a defendant is found guilty or pleads guilty or nolo contendere, the court may order any or all of the following at sentencing:

- 1) Any fine.
- 2) Any cost in addition to the minimum state cost.
- 3) The expenses of providing legal assistance to the defendant.
- 4) Any assessment authorized by law.
- 5) Reimbursement authorized under MCL 769.1f.

These financial sanctions may also be ordered for defendants subject to a deferred judgment of guilt or delayed sentence.

The fines, costs, and assessments authorized under this new language may be collected at any time, regardless of whether the defendant is placed on probation, probation is revoked, or the defendant is discharged from probation. In addition, the court may require the defendant to execute a wage assignment to pay these court-ordered financial sanctions. The new statutory language also requires courts to order state minimum costs pursuant to MCL 769.1j.

If you have any questions, please contact Beth Barber at barberb@courts.mi.gov or 517-373-5895.